

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

AMERIPRISE FINANCIAL SERVICES, INC.

PLAINTIFF

VS.

CAUSE NO. 3:07CV404TSL-JCS

ALFRED D. ETHEREDGE

DEFENDANT

**DEFENDANT'S SUPPLEMENT TO RESPONSE TO MOTION
TO COMPEL ARBITRATION**

COMES NOW the Defendant, Alfred D. Etheredge, by and through counsel, and files this his Supplement to Response to Motion to Compel Arbitration, and would show unto the Court the following:

1. The subject arbitration clause is invalid and unenforceable due to fraud in the factum. (See attached Exhibit "A")
2. In the alternative, should it be determined that the Defendant did in fact sign the arbitration clause in dispute, such is invalid and unenforceable due to fraud in the inducement, lack of mutuality, and unconscionability. In addition, the subject arbitration clause may not be enforced due to its ambiguous and illusory nature and inconspicuous placement. (See attached Exhibit "A")
3. In order to permit the Defendant the opportunity to obtain information in

support of his claim that the subject arbitration clause is invalid, the Defendant reasserts his request that he be permitted to conduct discovery in this matter prior to any ruling on the Plaintiff's Motion to Compel Arbitration.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Alfred Etheredge, requests that the Plaintiff's Motion to Compel Arbitration be denied, or that this Court refrain from rendering a decision as to said Motion until such time as the Defendant has been permitted the opportunity to conduct discovery in this matter, including a handwriting analysis. In addition, the Defendant requests the he be awarded all costs and attorney's fees incurred by him in this dispute.

Respectfully submitted,

Alfred Etheredge

\s\ Eduardo A. Flechas
EDUARDO A. FLECHAS

Eduardo A. Flechas, MSB #10669
FLECHAS & ASSOCIATES, P.A.
318 South State Street
Jackson, Mississippi 39201
Telephone: (601) 981-9221
Facsimile: (601) 981-9958

CERTIFICATE OF SERVICE

I, Eduardo A. Flechas, do hereby certify that on the below date I electronically filed the foregoing instrument with the Clerk of the Court, via the ECF system, with notification being provided to the following by and through the ECF system:

Richard Montague, Esq.
Well, Moore, Simmons & Hubbard
4450 Old Canton Road, Suite 200
Jackson, Mississippi 39211

Larry E. Mobley, Esq.
Barrasso, Usdin, Kuperman, Freeman & Sarver
909 Poydras Street, Suite 1800
New Orleans, Louisiana 70112

SO CERTIFIED, this, the 24th day of September, 2007.

/s/ Eduardo A. Flechas
EDUARDO A. FLECHAS